

Message Text

CONFIDENTIAL

PAGE 01 PANAMA 02408 262109Z

72-60

ACTION ARA-20

INFO OCT-01 ISO-00 AID-20 IGA-02 SAB-01 EB-11 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SP-03 SS-20 USIA-15 DRC-01 /130 W

----- 079711

R 262005Z APR 74

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 487

C O N F I D E N T I A L PANAMA 2408

E.O. 11652: GDS

TAGS: PN, EAID, PINT

SUBJECT: FAA SECTION 32-POLITICAL PRISONERS

REF: STATE 068545

SUMMARY: PANAMA HAS NOT HAD A PRACTICE OF ARBITRARY IN-
TERNMENT OR INPRISONMENT OF PERSONS FOR POLITICAL PUR-
POSES, ALTHOUGH IT DOES HAVE FIVE PERSONS IN
PRISON WHO WERE TRIED AND CONVICTED, UNDER LAW, OF SUB-
VERSION AND OF DEFAMING THE PRESIDENT AND OTHER HIGH
OFFICIALS. IT APPEARS THAT SECTION 32 OF THE FAA OF 1973
WOULD NOT AFFECT THE STATUS OF U.S. ASSISTANCE PROGRAMS
IN PANAMA. END SUMMARY.

1. THE PANAMANIAN CONSTITUTION OF 1972 HAS PROVISIONS TO
PROTECT INDIVIDUALS FROM ARBITRARY ARREST. ANY PERSON DE-
TAINED OVER 24 HOURS WITHOUT BEING CHARGED BY COMPETENT
AUTHORITIES MAY, ACCORDING TO THE CONSTITUTION, BE FREED
ON A WRIT OF HABEAS CORPUS. UNDER PANAMANIAN LAWS INDI-
VIDUALS HAVE THE RIGHT TO FREE VERBAL OR WRITTEN EXPRESSION,
AND THE RIGHT OF PUBLIC ASSEMBLY, LIMITED ONLY BY THE
PROVISIONS OF LAW 342 OF OCTOBER 31, 1969 WHICH MAKES IT AN
OFFENSE AGAINST THE PUBLIC ORDER:

A. TO INCITE VIOLENCE AGAINST THE NATIONAL GOVERNMENT
BY SPOKEN WORD, IN WRITING OR CARICATURE, WHETHER IT BE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PANAMA 02408 262109Z

IN PUBLIC MEETINGS OR BY NEWSPAPERS, RADIO OR TELEVISION,

LEAFLETS OR WALL PAINTINGS;

B. TO ORGANIZE OR INCITE STRIKES OF WORKERS, STUDENTS OR THE GENERAL PUBLIC WHICH PRODUCE ALTERCATIONS AFFECTING PUBLIC ORDER OR DISTURBANCES AFFECTING PUBLIC SECURITY OR FUNCTIONING OF PUBLIC SERVICES OR WHICH CAUSE DAMAGE TO PRIVATE OR PUBLIC PROPERTY;

C. TO CONDUCT GUERRILLA ATTACKS, TO MAKE OR EXPLODE BOMBS, SET FIRE TO PROPERTY, HIRE MERCENARIES, FINANCE OR ORGANIZE GUERRILLA GROUPS;

D. TO INSULT, SCORN OR IN ANY WAY OFFEND THE DIGNITY OF THOSE WHO OCCUPY THE POSITIONS OF PRESIDENT OF THE REPUBLIC, MINISTER OF STATE, GOVERNORS OF PROVINCES (AND OTHER SIMILAR PUBLIC OFFICES);

E. TO PROPAGATE FALSE NEWS OR INFORMATION DESIGNED TO DESTROY THE GOVERNMENT, TO DISTURB PUBLIC ORDER, SECURITY OF THE COUNTRY, THE ECONOMY, THE NORMALITY OF PRICES, THE STABILITY AND VALUES OF PUBLIC PROPERTY;

F. TO SPREAD DOCTRINES, SYSTEMS OR METHODS WHICH PROMOTE CRIME OR VIOLENCE IN ANY OF THEIR FORMS AS MEANS TO BRING ABOUT CHANGES OR POLITICAL, ECONOMIC OR SOCIAL REFORMS. THE DECREE SPECIFIES THE OUTSIDE LIMITS ON THE SENTENCES WHICH CAN BE LEVIED AGAINST PERSONS CONVICTED OF THE ABOVE DESCRIBED CRIMES (WITH ONE EXCEPTION ALL SENTENCES ARE LESS THAN TWO YEARS).

2. IN ACTUAL PRACTICE, THE GOVERNMENT IN RECENT YEARS HAS NOT ARRESTED PERSONS WHO HAVE MADE SPEECHES CRITICAL OF ITS POLICIES, AND EARLIER THIS YEAR IT TOOK NO ACTION AGAINST PERSONS RESPONSIBLE FOR PUBLISHING AN ADVERTISEMENT CONTAINING A CRITICAL CARICATURE OF THE HOUSING MINISTER. ALSO, THE NATIONAL COUNCIL OF PRIVATE ENTERPRISE TRIED TO CARRY OUT A STRIKE TO FORCE THE GOVERNMENT TO WITHDRAW OR AMEND NEW HOUSING LEGISLATION WITHOUT INCURRING DIRECT RETALIATORY ACTION BY THE GOVERNMENT UNDER THE LAWS DESCRIBED ABOVE. THE ONLY KNOWN INCIDENTS DURING THE PAST YEAR THAT MIGHT BE CONSIDERED AS INTERNMENT OF PERSONS FOR POLITICAL REASONS OCCURRED LAST JANUARY WHEN THERE WERE NUMEROUS REPORTS THAT A COUP WAS BEING PLANNED. THE GOVERNMENT REPORTEDLY ARRESTED ONE INDIVIDUAL AND HELD HIM FOR FOUR DAYS, WITHOUT MAKING SPECIFIC CHARGES, BEFORE RELEASING

CONFIDENTIAL

PAGE 03 PANAMA 02408 262109Z

HIM. FIVE OTHER PERSONS, MEMBERS OF THE CLANDESTINE FRENTE CIVILISTA NACIONAL, WERE ALSO ARRESTED AND WERE CHARGED, CONVICTED AND SENTENCED TO PRISON TERMS FOR ONE OR TWO YEARS UNDER LAW 342 OF OCTOBER 31, 1969 FOR HAVING PARTICIPATED IN "CRIMINAL ACTIVITIES FOR THE PURPOSE OF DISRUPTING THE NATION'S CONSTITUTED ORDER AND PEACE" AND ATTEMPTING TO "CHANGE THE NATION'S POLITICAL STRUCTURE BY MEANS OF UNLAWFUL ACTIONS DESIGNED TO PRODUCE GENERALIZED SUBVERSIVE BELIEFS AMONG THE PUBLIC IN

ORDER TO DESTROY, BY VIOLENCE, THE BASES OF THE COUNTRY'S ORGANIZATION."

3. DURING 1973, AS PART OF ITS EFFORT TO IMPROVE PANAMA'S INTERNATIONAL IMAGE AND DEMONSTRATE THOUGHNESS AGAINST NARCOTICS TRAFFICKERS, THE GOP ARRESTED AND IMPRISONED A NUMBER OF NARCOTICS TRAFFICKERS AS "UNDERSIRABLES" ALTHOUGH INSUFFICIENT EVIDENCE WAS AVAILABLE TO CONVICT THEM ON SPECIFIC NARCOTICS CHARGES. THERE WAS NO SUGGESTION THAT THE INDIVIDUALS WERE ARRESTED BECAUSE OF POLITICAL ACTIVITIES.

4. ALTHOUGH THE RANGE OF OFFENSES COVERED UNDER DECREE LAW 342 IS BROAD AND THE POTENTIAL FOR ABUSE EXISTS, THE GOVERNMENT HAS NOT USED THE LAW EXTENSIVELY, AND WE HAVE NOTED INSTANCES IN WHICH IT HAS NOT PROSECUTED INDIVIDUALS WHO HAVE COMMITTED ACTIONS WHICH MIGHT BE OFFENSES UNDER THIS LAW. IT APPEARS TO US THAT SECTION 32 OF THE FAA OF 1973 WOULD NOT AFFECT THE STATUS OF U.S. ASSISTANCE PROGRAMS IN PANAMA.
JORDEN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL REPRESSION, HUMAN RIGHTS, LAW, DRUG ABUSE, FOREIGN ASSISTANCE, POLITICAL PRISONERS, ARRESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974PANAMA02408
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740100-0311
From: PANAMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740411/aaaaajbb.tel
Line Count: 136
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 068545
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 18 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 SEP 2002 by martinml>; APPROVED <05 FEB 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FAA SECTION 32-POLITICAL PRISONERS
TAGS: EAID, PINT, SNAR, PN, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005